



PUBLIC NOTICE

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Streamlined Submarine Cable Landing License Applications

Accepted For Filing

The applications listed below have been found, upon initial review, to be acceptable for filing and subject to the streamlined processing procedures set forth in section 1.767 of the Commission's rules. 47 CFR § 1.767. Pursuant to the Submarine Cable Landing License Act, 47 U.S.C. §§ 34-39, and Executive Order No. 10530, reprinted as amended in 3 U.S.C. § 301, each applicant seeks: (a) the grant of a cable landing license; (b) the modification of a cable landing license; and/or (c) the assignment or transfer of control of an interest in a submarine cable landing license.

Pursuant to its decision in Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, FCC 01-332, 16 FCC Rcd 22167 (2001), and section 1.767 of the rules, the Commission will take action upon these applications within forty-five (45) days after release of this public notice, unless upon further examination an application is deemed ineligible for streamlined processing.

Ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 CFR § 1.1206. Unless otherwise specified, interested parties may file comments with respect to these applications within 14 days of this notice. Such filings will not necessarily result in an application being deemed ineligible for streamlined processing.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530. All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

Submarine Cable Landing License

GU Holdings Inc. (GU Holdings) has filed an application for a license to construct, land, and operate a non-common carrier fiber-optic submarine cable system connecting the United States (California and Guam) with Taiwan and the Philippines, the TPU cable system. GU Holdings filed a supplement to the Application on June 9, 2023.

The TPU cable system will consist of the following segments: (1) the Transpacific Segment between Arcata, California and a branching unit (BU1) located in the Philippine Sea between Taiwan and the Philippines; (2) the Taiwan Segment between Dawu, Taiwan and BU1; (3) the Philippines Segment between Claveria, Philippines and BU1; and (4) the Guam Segment between Tanguisson, Guam and a branching unit (BU4) located on the Transpacific Segment. TPU will also be constructed with five unused branching units (BU2, BU3, BU5, BU6, and BU7) on the Transpacific Segment. GU Holdings states that at this time, there are no specific plans regarding build out of the five unused branching units on the Transpacific Segment, and GU Holdings will request any necessary modification to the submarine cable landing license to add a new landing point, in the event construction of any of the branching units occurs.

The Transpacific Segment will have a total length of approximately 12,500 kilometers and consist of 16 fiber pairs. The Taiwan Segment will have a total length of approximately 320 kilometers and will have the equivalent of 20 fiber pairs. The Philippines Segment will have a total length of approximately 520 kilometers and have the equivalent of 20 fiber pairs. The Guam Segment will have a total length of approximately 130 kilometers and consist of 16 fiber pairs. According to GU Holdings, 16 of the 20 fiber pairs on each the Taiwan and the Philippines segments will be connected directly to the Transpacific Segment. The remaining 4 fiber pairs on the Taiwan Segment will connect Taiwan to the Philippines, and the remaining 4 fiber pairs on Philippines Segment will connect the Philippines to Taiwan. Each fiber pair on the system will have a total design capacity of 13 Terabits per second (Tbps) for a total of approximately 260 Tbps for the system.

TPU will provide capacity to connect GU Holdings' affiliates' data centers and points of presence in the United States and the transpacific region. GU Holdings states that grant of the license will serve the public interest, convenience, and necessity because TPU will provide diversity by going through Guam and directly landing in Taiwan and the Philippines. Further, GU Holdings asserts that the system will provide much needed additional connectivity between the United States and the Asia-Pacific region and further strengthen the redundancy and resilience of transpacific telecommunications.

GU Holdings and its affiliates will own and control TPU as follows: (1) GU Holdings will hold 100% of the equity and voting interests in the portion in U.S. territory; (2) Google Singapore Pte. Ltd. (GSPL) will hold 100% of the equity and voting interests in the portion in international waters and in Philippines territory; and (3) Google Taiwan Limited (GTL) will hold 100% of the equity and voting interests in the portion in Taiwan territory. GU Holdings, GSPL, and GTL are all indirect, wholly-owned subsidiaries of Google LLC. GU Holdings states that because GSPL and GTL will not use the U.S. points of the system, none of these entities is required by the Commission's rules to be an applicant for the cable landing license. See 47 CFR § 1.767(h)(2).

The cable landing stations will be located in Arcata, California; Tanguisson, Guam; Dawu, Taiwan; and Claveria, Philippines. The cable landing stations are owned and controlled as follows: (1) Arcata, California: EdgeConnex Arcata Holdings, LLC (EdgeConnex) owns an existing cable landing station, and GU Holdings will be the landing party; (2) Tanguisson, Guam: AT&T Corp. owns an existing cable landing station, and GU Holdings will be the landing party; (3) Chunghwa Telecom Co., Ltd. (CHT) will own and be the landing party for a new cable landing station; and (4) Claveria, Philippines: Innove Communications, Inc. (Innove) will own and be the landing party for a new cable landing station. GSPL has contracted with Innove to be the landing party in the Philippines and under the landing party agreement, Innove will grant GSPL an Indefeasible Right of Use (IRU) for the portion of the system in Philippines territory. GTL has contracted with CHT to be the landing party in Taiwan and under the landing party agreement, CHT will grant GTL an IRU for the portion of the system in Taiwan territory. GU Holdings states that because Innove and CHT will neither (1) own or control a cable landing station in the United States nor (2) own or control a five percent or greater ownership interest in the system, neither is required by section 1.767(h) to be an applicant for the cable landing license.

GU Holdings requests a waiver of section 1.767(h)(1) of the Commission's rules so that EdgeConnex and AT&T are not required to be applicants for a U.S. cable landing license for TPU. Section 1.767(h)(1) requires that "[a]ny entity that owns or controls a cable landing station in the United States" shall be "applicants for, and licensees on, a cable landing license." 47 CFR § 1.767(h)(1). GU Holdings asserts that EdgeConnex and AT&T will have no independent ability to affect the TPU's operation, and including them as applicants is not necessary to ensure compliance by GU Holdings with the Cable Landing License Act, the Commission's rules, or the terms of any cable landing license. According to GU Holdings, for the U.S. cable landing stations, EdgeConnex and AT&T are expected to provide certain limited services that would not enable them to significantly affect the TPU cable system's operation. GU Holdings intends to contract with each U.S. cable landing station owner for the right to use separately-caged collocation space in each cable landing station and for provision of certain operation and maintenance services at each respective cable landing station. GU Holdings states that EdgeConnex and AT&T are not expected to have access to GU Holdings' space, except: (i) to perform certain operation and maintenance services as per GU Holdings' direction and instructions; (ii) to conduct work in the space unrelated to the system, after providing GU Holdings advance notice and opportunity to supervise any such work; or (iii) in cases of emergency. The agreements with EdgeConnex and AT&T are both expected to have an initial term of 15 years that could be extended by GU Holdings to 25 years.

GU Holdings proposes to operate TPU on a non-common carrier basis. GU Holdings states that system's capacity will either be used by GU Holdings and its affiliates to meet their own internal needs for bandwidth or made available to third parties pursuant to individually negotiated IRUs and capacity leases, the terms of which will vary depending on the characteristics and needs of the particular capacity purchase. Further, GU Holdings asserts that there are sufficient alternative facilities providing transpacific connectivity to preclude the system from becoming a bottleneck facility. Specifically, GU Holdings states that on the U.S.-Philippines or U.S.-Taiwan routes, the system will compete directly with a variety of systems including Apricot (planned), Asia-America Gateway, Asia Connect Cable-1, BiFrost (planned), FASTER, Jupiter, Pacific Light Cable Network, and SEA-US cable system.

GU Holdings is an indirect wholly owned subsidiary of Google LLC, both Delaware entities. As of March 31, 2023, the 10% or greater direct or indirect interest holders of GU Holdings are: (1) Google International LLC (Google International), a Delaware company (100% equity and voting interest in GU Holdings); (2) Google LLC (97% equity and voting interest in Google International); (3) XXVI Holdings Inc. (XXVI Holdings), a Delaware company (100% equity and voting interest in Google LLC); (4) Alphabet Inc. (Alphabet), a Delaware company (approximately 100% equity interest and 99% voting interest in XXVI Holdings); (5) Larry Page, a U.S. citizen (26.3% voting interest in Alphabet through ownership of 44.1% of Alphabet's Class B common stock); and (6) Sergey Brin, a U.S. citizen (25% voting interest in Alphabet through ownership of 41.8%

of Alphabet's Class B common stock). Alphabet's shares are publicly traded on the NASDAQ stock market. GU Holdings asserts that, as of March 31, 2023, no other entity or individual holds a 10% or greater direct or indirect equity or voting interest in Alphabet or GU Holdings.

GU Holdings certifies that it accepts and will abide by the routine conditions specified in section 1.767(g) of the Commission's rules, 47 CFR § 1.767(g).

REMINDERS:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See CFR §§ 1.2001-1.2003.

By this notice, we inform the public that submarine cable landing license applications that are part of larger transactions involving multiple Commission licenses or authorizations may involve "extraordinary circumstances" as referenced in Review of Commission Consideration of Applications under the Cable Landing License Act, Report and Order, 16 FCC Rcd 22167 (2001) and Rules and Policies on Foreign Participation in the U.S. Telecommunications Market, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891 (1997), paras. 327-28, Order on Reconsideration, 15 FCC Rcd 18158 (2000). Additionally, extraordinary circumstances result where Executive Branch agencies petition the Commission to defer action on an application pending the resolution of potential national security, law enforcement, foreign policy and trade policy issues. Accordingly, these applications may be removed from streamlined processing and may not be acted on within the 90-day review period that the Commission has established as the period of time normally required to reach a decision on non-streamlined cable landing licenses. This notice shall serve as public notice to applicants that, in these circumstances, additional time may be required for Commission review and final action. No additional formal public notice will be provided routinely with respect to specific applications in the event that the applicable review period extends beyond 90 days.